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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA

No. CR 07-00645-003 MMC

16 Plaintiff,

v.

17 JOSE JUAN PENALOZA-HILARIO,

Defendant.

18
19 **STIPULATION AND [PROPOSED]**
ORDER REGARDING SENTENCE
REDUCTION UNDER U.S.S.G. § 1B1.1(b)
AND AMENDMENT 782

20
21 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting
through their respective counsel, that:

22 1. Defendant is making an unopposed motion for modification of his sentence pursuant to
18 U.S.C. § 3582(c)(2).

23 2. Defendant's original guideline calculation was as follows:
Total Offense Level: 33

24 Criminal History Category: III

25 Guideline Range: 168 to 210

1 Mandatory Minimum: 120 months

2 3. Defendant was sentenced to 170 months imprisonment on August 19, 2009.

3 4. According to the Bureau of Prisons, Defendant's current projected release date is
4 February 25, 2020.

5 5. Effective November 1, 2014, this Court may order a modification in defendant's sentence
6 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 782, to the
7 United States Sentencing Guidelines Manual.

8 6. Defendant's revised guideline calculation is as follows:

9 Total Offense Level: 31

10 Criminal History Category: III

11 Guideline Range: 135 to 1688 months

12 Mandatory Minimum: 120 months

13 7. The parties have no reason to dispute the Sentence Reduction Investigation Report
14 submitted to the Court by the Probation Office.

15 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
16 reducing Defendant's term of custody to 135 months, effective November 1, 2015.

17 9. The parties further stipulate that all other aspects of the original judgment order including
18 the length of term of supervised release, all conditions of supervision, fines, restitution,
19 and special assessment remain as previously imposed.

20 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
21 to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220
22 (2005).

23 26. 11. Defendant waives his right to appeal the district court's sentence.

12. Accordingly, the parties agree that an amended judgment in accordance with this
1
stipulation may be entered by the Court in pursuant to 18 U.S.C. § 3582(c) and USSG §
2
1B1.10(b)(1), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing
3
Reduction Investigation Report and a proposed amended judgment will be submitted to
4
the Court.
5
6

7 IT IS SO STIPULATED.
8
9

March 16, 2015

/s/

DATED

MELINDA L. HAAG
United States Attorney
J. DOUGLAS WILSON
Assistant United States Attorney
Northern District of California

15 March 16, 2016

/s/

DATED

STEVEN G. KALAR
Federal Public Defender
GABRIELA BISCHOF
Assistant Federal Public Defender
Northern District of California

IT IS SO ORDERED.

23 March 17, 2015

DATED


MAXINE M. CHESNEY
United States District Judge